GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Elections – General / Bye-Elections to the House of People, Andhra Pradesh Legislative Assembly and Andhra Pradesh Legislative Council – Revised Slabs for enhancement of Payment of ex-gratia compensation to the families of personnel engaged for election related work and who die or sustain injuries while on election duty – Orders - Issued.

GENERAL ADMINISTRATION (ELECTIONS-A) DEPARTMENT

G.O.Ms.No.44 **Dated: 09.05.2024**

Read the following:

1. G.O.Ms.No.138, G.A. (Elecs.A) Department, dated 07.11.2019.
2. From the Election Commission of India, New Delhi, Lr.No.218/6/2022/EPS, dated 09.03.2023.
3. From the Election Commission of India, New Delhi, Lr.No.218/6/2023/EPS, dated 25.09.2023.

ORDER:

In the G.O. 1st read above, consolidated orders have been issued on the payment of ex-gratia compensation to the families / next kin of the deceased personnel drafted for election duty during the tenure of General Elections to HoP & APLA, 2019.

2. In the letter 2nd read above, the Election Commission of India, has revised the slabs for ex-gratia payment in the event of any mishap to the election related officials and issued detailed guidelines in supersession of all the previous orders / instructions issued from time to time on the subject matter.

3. Subsequently, in the letter 3rd read above, the Election Commission of India have issued further instructions on ex-gratia payment to the Observers deployed for election related duties.

4. After, careful examination of the recommendations / clarifications of the Election Commission of India received vide letters 2nd & 3rd read above, in supersession of earlier orders issued in the reference 1st cited, the Government has accepted them in toto for implementation towards payment of ex-gratia compensation to the kin of polling/security personnel and Observers who die or to the personnel himself on sustaining grievous injuries leading to permanent disability on election duty and hereby issue the following orders:

A) Election duty period:

The period of election duty would start from the date of the announcement of the elections and up to declaration of results (both dates inclusive).

B) Eligibility:

(i) The Commission provides for compensation of ex-gratia payment to the kin of polling /security personnel in case of death or grievous injuries arising out of and in the course of election duty and include

a. All personnel deployed in all types of election related duties,
b. All security personnel under CAPFs, SAPs, State Police, Home Guards,
c. Any private person like drivers, cleaners etc, hired for election duty,
d. BEL / ECIL engineers who are engaged in FLC, EVM commissioning, Poll day and counting day duty.

(P.T.O)

(ii) It is clarified that it would be reasonable to consider a person on election duty as soon as he /she leaves residence / office to report for any election related work including training and until he /she reaches back to his / her residence / office after performance of election related duty. If any mishap takes place during this period, it should be treated as having occurred on election duty subject to condition that there should be a causal connection between occurrence of death /injury and the election duty.

(iii) For BEL/ECIL engineers, the period of FLC duty and the duration for which the official is departed for commissioning, poll / counting arrangement, will be treated as period of election duty.

(iv) For Covid related deaths, the person should be deployed as well as should have performed election duty and there should be a cogent relationship between his / her election duty and his / her contracting Covid. His / her Covid positive report should be within 15 days from the end of performance of election duty and with a medical certificate. Death certificate from a hospital mentioning that the death took place due to Covid.

C) <u>Following are the current minimum ex-gratia compensation rates provided</u>:

i) The amount of compensation would be **Rs.30.00 Lakhs** if the death is caused due to any violent acts of extremism or anti-social elements like road mines, bomb blasts, armed attacks and death due to COVID-19.

ii) An amount of **Rs.15.00 Lakhs** in the event of death by any other reason other than mentioned above in point No.(i).

iii) An amount of **Rs.15.00 Lakhs** if the permanent disability is due to involvement of extremist or unsocial elements as aforesaid.

iv) An amount of **Rs.7.50 Lakhs** in the case of grievous injury resulting in permanent disability, like loss of limb, eye sight, etc.

v) Payment of ex-gratia compensation will be in addition to the compensation already being paid by the Ministry of Home Affairs under its extant guidelines and any other compensation paid by the State Government or any employer.

vi) The payment of ex-gratia shall be processed without any unnecessary delay.

vii)Payment of ex-gratia compensation will be applicable to Parliamentary / Assembly / Bye-elections and for elections of Legislative councils, President and Vice-President of India as per slabs and terms & conditions mentioned above.

D) <u>Procedure for consideration of cases</u>:

(i) In each of the cases, whether deceased or injured/ disabled, it will be the responsibility of the DEO and SP to initiate the process of claim for compensation.

(ii) This process should be initiated within 10 days of the occurrence leading to injury or death and in no case should be delayed beyond 10 days after completion of the poll process.

(iii) The DEO may consider below mentioned documents while deciding the case of compensation:

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a. Certificate from the District Election Officer that the deceased/ disabled was on Election duty.
b. Certificate from the District Superintendent of Police that the deceased /disabled personnel were on Election Duty (in case of police personnel/CAPF).
c. A copy of First Information Report (FIR) and /or inquest 'panchanama' (if lodged/done).
d. A copy of Post-mortem report, if done, in case of death.
e. Copy of Medical Certificate by competent medical authority (for disabled/injured personnel).
f. Legal heir certificate/Succession certificate only in case of a dispute.

E) Cashless treatment:

(i) The Commission has directed to make arrangements for treatment in state-of –the-art hospitals for all such personnel involved in elections who get injured or fall sick while on duty.

(ii) In order to accelerate, the treatment and avoid delay, arrangements/tie-ups /cashless facilities may be carried out in advance with the hospitals for the election period till the declaration of results.

F) Expenditure:

(i) The expenditure on account of payment of ex-gratia compensation to the polling personnel is wholly borne by Government of India during elections to Lok Sabha, Vice President and President of India and by the State Government during election to Legislative Assemblies and Legislative Council and shared on 50:50 basis during simultaneous election to Lok Sabha and Legislative Assembly by the Government of India and concerned State Governments. The share of the Government of India is paid by the Ministry of Law & Justice and Company Affairs (Legislative Departments) (As explained vide Commission's letter No.218/6/1998 EPS dated 25.11.1998).

(ii) It is further clarified that in case of Lok Sabha elections, the payment of ex-gratia compensation shall be made by the State Government initially and the claims shall be made to the Government of India later on.

5. All the Collectors & District Election Officers in the State of Andhra Pradesh are hereby delegated the powers to sanction the ex-gratia compensation in their jurisdiction. All such cases should be reported to the Government immediately on occurrence and the payment to the legal heir should be made immediately after giving a detailed order/ proceedings of sanction of ex-gratia compensation. Copies of the orders/ proceedings sanctioning the ex-gratia compensation to the bereaved families shall be marked to the Government in General Administration (Elections-A) Department. If there is no sufficient budget under relevant Head of Account, they have to refer the matter to the Chief Electoral Officer, together with the copies of all relevant documents and proceedings, for the release of budget.

6. All the Collectors & District Election Officers in the State of Andhra Pradesh shall follow the above guidelines scrupulously.

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7. These orders are issued with the concurrence of the Finance (FMU.GAD.I) Department, vide their U.O.No.FMU0MISC/368/2019-FMU-GAD-I, dated.03.05.2024. (computer No.878939).

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. K.S. JAWAHAR REDDY
CHIEF SECRETARY TO GOVERNMENT

To
All the Collectors & District Election Officers in the State of Andhra Pradesh.

Copy to:

All the Special Chief Secretaries / Principal Secretaries / Secretaries to Government in Departments of AP Secretariat.
The Principal Secretary, Home Department, A.P. Secretariat
The Director General of Police, A.P., Mangalagiri, Guntur District.
All the Commissioners / Superintendents of Police in the State.
The Accountant General, Audit-I, A.P., Vijayawada.
The Accountant General, Audit-II, A.P., Vijayawada.
The Pay & Accounts Officer, A.P., Mangalagiri, Guntur District.
The Director of Treasuries & Accounts, A.P., Mangalagiri. Guntur District.
All the District Treasury Officers in the State of A.P.
All Officers and Sections in G.A. (Elections) Department.
Sri Ajay Kumar Verma, Secretary, Election Commission of India, Nirvachan Sadan, Ashoka Road, New Delhi-110001.
The OSD to Chief Secretary to Govt.
SF/SC. (computer No.2416741).

// FORWARDED :: BY ORDER //

SECTION OFFICER